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# Maximizing What We Have—The Challenge to Preserve Open Space with No Dedicated Local Funding Source

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# Maximizing What We Have—The Challenge to Preserve Open Space with No Dedicated Local Funding Source

Aimee Rutledge\*

You have been chosen for a special mission, should you choose to accept it. Without any dedicated funding source or designated funding partners, you must preserve enough open space to meet the needs of the Sacramento Region for local agriculture, recreation, wildlife habitat, and scenic purposes. Currently, the only significant open space preserve for over 1.5 million people<sup>1</sup> is a twenty-three-mile linear parkway along a river, many of whom do not even know the river is there because the area is flat and they cannot see any local features except those immediately next to you.<sup>2</sup> You may be able to convince the state to grant bond funds to help you, but these funds will terminate in five years. And, if you acquire the partners and resources to accomplish your mission, you must manage the open space you protect forever—there is no one to back you up.

The Sacramento Valley Conservancy, the first nonprofit land trust founded in the Sacramento region, faced this situation in 1990.<sup>3</sup> We had a broad mission, very little funding, and inconsistent local support. We aimed to create and sustain an effort for permanent changes in land use patterns by saving and sharing special places for future generations.<sup>4</sup>

## I. DEFINING THE MISSION

Defining our mission by identifying specific land acquisition targets on a map of the region was the first critical step towards our success.<sup>5</sup> Our

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1. *Sacramento County, California*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06/06067.html> (last visited July 16, 2014) (on file with the *McGeorge Law Review*).

2. *See American River Parkway*, SACRAMENTO CNTY., <http://www.regionalparks.saccounty.net/Parks/Pages/AmericanRiverParkway.aspx> (last visited July 16, 2014) (on file with the *McGeorge Law Review*) (identifying factual characteristics of the American River Parkway).

3. News Release, Sacramento Valley Conservancy, Sacramento Valley Conservancy Earns Accreditation (Aug. 12, 2009) (on file with the *McGeorge Law Review*); *see* SACRAMENTO VALLEY CONSERVANCY, 2013 PROGRESS REPORT, 2013, *available at* <http://www.sacramentovalleyconservancy.org/pdf/2013%20Progress%20Report.pdf> (on file with the *McGeorge Law Review*) (indicating the Conservancy was founded in 1990); News Release, Sacramento Valley Conservancy, Sacramento Valley Conservancy Has Been Awarded Accredited Status (Aug. 5, 2009) (on file with the *McGeorge Law Review*) (indicating that the Conservancy is “the oldest local land trust serving the Sacramento Region.”).

4. *See Our Mission*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/mission.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

5. *See 21st Century Vision Map*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalley>

organization does not work by taking positions on projects, but only by purchasing and managing property—we are functionally developers of open space. We realized that advocating on land use issues would antagonize the partners we needed to be successful in our mission to buy, protect and manage open space lands. We also made sure we took existing local zoning and planning into account when identifying open space corridors and connections. In addition, we listened to the economic needs of landowners and found ways to meet these needs while also meeting our open space goals or paying for the land they held at the lowest, fair market value we could negotiate.

We carry our “21st Century Open Space Vision for the Sacramento Region” map everywhere with us.<sup>6</sup> This map is our picture worth a thousand words—better than an elevator speech.<sup>7</sup> When people look at the map they can see how they can experience open spaces in the land around them. Sacramentans can envision themselves using open spaces for growing produce, riding their bicycles, hiking with their family, and taking lunch breaks from work by the tall cottonwoods on the river.<sup>8</sup>

## II. DEVELOPING PARTNERS

Mission-driven nonprofits have the luxury of being able to legally collude, plot, and connive with any and all comers—without threat of prosecution for illegal competition—otherwise known as collaboration. The freedom to focus on a mission and not profit, at least to the extent that you do not go out of business, can breed creativity. The world of private commercial real estate that largely controls land use in the United States and California is one of very little regulation, high risk, and reward—driven by both the desire to make profit and to develop on-the-ground improvements for the community.

Land trusts operate as mission-based organizations in this high-risk environment.<sup>9</sup> It is critical for us to listen to the dreams of public planners and the larger environmental community while directly relating to landowners—developers, farmers, ranchers, mining companies—folks whose family businesses and personal livelihoods depend on the productivity and value of their land holdings. Land trusts have to translate dreams into reality—instead of apartments or shopping centers, we build trails, restore habitat, or run interpretive centers. This means, similar to developers and property managers, we have to find financing, navigate land use approvals and implement plans. Like ranchers

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conservancy.org/vision-map.asp (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

6. *Id.*

7. *Id.*

8. *Id.*

9. See LAND TRUST ALLIANCE, WHAT IS A LAND TRUST? (2008), available at <http://www.landtrustalliance.org/conservation/documents/what-is-land-trust.pdf> (on file with the *McGeorge Law Review*) (explaining that a land trust is a private, nonprofit organization with a “mission of working cooperatively with landowners to protect and conserve land for its natural, recreational, scenic, historic, or productive value.”).

and farmers, we have to fix pumps and fences, manage weeds and watch the weather.

Land trusts have the unique ability to successfully collaborate with a wide variety of partners, and use a broad mix of public and private funding sources to develop unique approaches to meet our community's open space needs.<sup>10</sup> For example, the Sacramento Valley Conservancy has partnered with mining companies, developers, ranchers, federal, state and regional agencies, cities, the county, an off-highway vehicle park, private foundations, a gated community, neighboring land trusts, outdoor education and youth groups, and a corps of over sixty volunteer docents to create a thirteen-mile, 10,000-acre corridor in East Sacramento County.<sup>11</sup> This will expand the existing twenty-six-mile American River Parkway by 50%, connect the American River and Cosumnes River watersheds, which will provide a migration corridor for wildlife in the face of climate change and preserve part of the native California blue oak woodlands at the base of the Sierra foothills.<sup>12</sup>

Partnering to create change is contagious. After we succeeded in making progress towards our vision, people began to see the real benefits and spread the word about what we were doing. As a result, even more opportunities presented themselves so that we could achieve even greater success. Trust, vision, and action are the tools we use to create our success. It would not be possible to maintain a high level of effectiveness and impact without involving individuals with a wide variety of viewpoints who all care about our mission. This involvement starts with our Board of Trustees, who are drawn from the community, and continues with our staff, volunteers, and our many partners.<sup>13</sup>

### III. METHODS FOR CREATING LONG-TERM SUSTAINABILITY

Acquiring open space lands is only the beginning of our mission. Once we buy land, we have to take care of it forever and reach out to share it with the community. This requires money and the development of long-term relationships.

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10. See *Donor List*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/donors.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*); *Business Partners*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/business-partners.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

11. See sources cited *supra* note 10.

12. See *21st Century Vision Map*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/vision-map.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

13. See *Board and Staff*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/board.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*); *Donor List*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/donors.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*); *Business Partners*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/business-partners.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

Money does not grow on trees—even for land trusts. Obtaining it requires the Sacramento Valley Conservancy to make profits, just like any other business. For example, we run a river event center that hosts weddings and corporate retreats in addition to providing services for youth groups, anglers, bird watchers, and boaters. We also manage a farm that has five different types of water rights, which grows walnuts, rice, corn, and tomatoes, as well as providing a habitat for river songbirds, waterfowl, hawks, and fish. We must also be proficient in other business skills, like creating budgets. In one case, budgeting funds for a preserve in the middle of a suburban neighborhood resulted in the use of part of the area for cattle grazing. As with many businesses, we must also network with other community members who believe in what we do and will invest in our mission.

Sacramento Valley Conservancy creates sustainability by using earned revenue—farm income, event and camping rentals, consulting on open space projects with local agencies, developers, and companies—in conjunction with volunteers; donations and grants from generous supporters, companies and foundations; and endowment income to create sustainability for the open spaces we manage. The ability to earn enough income to provide employment opportunities and to make a positive impact on the community by providing open spaces for the public to enjoy is one of the great benefits of running a non-profit land trust. We must constantly think of new ways to meet our goal of preserving special places for future generations of plants, wildlife, and people..

#### IV. EXPANDING OUR MISSION

Our vision has expanded through our development of more tools and partnerships. The City of Sacramento used to be our main focus, but our vision has expanded to include areas stretching to the Sutter Buttes, the Delta, and the coastal range in the Sierra foothills.<sup>14</sup> Flood control and water management are two of our region's largest challenges. The Sacramento Valley Conservancy has recently begun working with agencies to develop strategies to protect farmland. This new focus is leading us to help enhance, restore and revitalize the American River Parkway in downtown Sacramento, the farmland and wildlife habitats along the Feather River in Yuba County, and the Sacramento-San Joaquin River Delta in Contra Costa County.<sup>15</sup>

These new projects widen our need to build different partnerships, to find more unique, mission-compatible ways to utilize resources to create sustainable open space land management, to develop new legal approaches and mechanisms to protect multi-benefit preserves, and to broaden our reach to share more places with different communities. In spite of these changes, it remains essential for us

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14. See *21st Century Vision Map*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/vision-map.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

15. *Id.*

to maintain a level of trust with others, dream big, and stay grounded. Though we still speak softly and do not take positions on projects, we carry a big map.

V. THE BUSINESS OF MISSION—REAL, LEGAL PROTECTION

At one real estate negotiation, a developer asked, “What are you getting out of this?” I said, “An open space preserve, that’s it.” He could barely believe it. The Sacramento Valley Conservancy operates like a business by competing for land on the open market, obtaining complicated financing, and pursuing every mission-based earned revenue opportunity possible. We operate this way so that people can sit on a hillside and enjoy a golden sunset through native blue oaks, and equestrians can trot across meadows among grazing local cattle while watching golden eagles soar overhead. Our methods also help ensure that native bees can pollinate tiny, rare flowers, canoeists can watch fall run chinook salmon flop on a lazy river bend, and inner-city children can sleep outside and see bright stars and hear coyotes for the first time. Due to our work, Sacramentans can enjoy all of these activities within 30 minutes of their homes.

The positive impact our work has on the community is second only to the benefits our work provides by protecting the land through clearly stating our vision, working with willing partners, and making real land use planning changes. We know the places we protect are permanent because we buy and pay for them. We legally protect these lands by immediately recording appropriate restrictions on them and managing their agricultural and recreational benefits, not by zoning or planning their future development.<sup>16</sup> We use a combination of conservation easements, deed and grant fund restrictions, lease and management agreements, and endowments to accomplish real, lasting protection and permanent change.<sup>17</sup> Land trusts work in perpetuity every day, one deal at a time. We believe there is nothing more gratifying than standing in a special place and knowing that it will be preserved and protected for future generations.

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16. See *Resources We Use*, SACRAMENTO VALLEY CONSERVANCY, <http://www.sacramentovalleyconservancy.org/resources-we-use.asp> (last visited July 26, 2014) (on file with the *McGeorge Law Review*).

17. *Id.*

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